

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

CHARLES RILEY, JR.

PLAINTIFF

VS.

CIVIL ACTION NO. 5:07cv32DCB-MTP

GEORGE KENT, TOMMIE MOFFETT, AND  
SHERIFF MARTIN PACE

DEFENDANTS

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court, and the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge Michael T. Parker be, and the same is hereby, adopted as the finding of this Court, and that the defendant Kent's motion to dismiss or in the alternative for summary judgment [25] should be granted, and that plaintiff's claims against all defendants should be dismissed without prejudice. It is further ordered that Defendant Pace's motion to dismiss based on qualified immunity [15] should be dismissed as moot.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 21<sup>st</sup> day of April, 2008.

s/ David Bramlette  
UNITED STATES DISTRICT JUDGE